

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-20 are now pending in this application. Claims 17 and 20 have been withdrawn from consideration.

### **Rejections under 35 U.S.C. § 103**

Claims 1-7, 11-13, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 02/45198 to Hara *et al.* (hereafter “Hara”) in view of U.S. Pub. No. 2005/0016729 to Savage (hereafter “Savage”). This rejection is respectfully traversed.

Hara discloses a cell plate arrangement that includes a first cell plate 6A with an air electrode layer 2a between a substrate 4 and a solid electrolyte layer 3, and a second cell plate 6B with a fuel electrode layer 1a between a substrate 4 and a solid electrolyte layer 3. See Hara at col. 13, lines 13-17, and Figure 6.

The Office states on page 4 of the Office Action that Hara does not disclose or suggest all of the features of claim 1 because Hara does not disclose or suggest a plurality of gas supply branch flow passages branched off from one of a plurality of gas supply flow channels, the plurality of gas supply branch flow passages terminating at a plurality of blowout ports. Furthermore, Hara does not disclose a plurality of gas supply branch flow passages begin at a first surface of the first current collector layers and terminate at a plurality of blowout ports formed within a second surface of the first current collector layers that opposite to the first surface, as recited in claim 1. Claims 2-7, 11-13, 18, and 19 depend from claim 1.

The Office cites the teachings of Savage to cure the deficiencies of Hara. In particular, the Office references Figure 35 and paragraph 0142 of Savage on page 4 of the Office Action. Applicant notes that paragraph 0142 of Savage describes plates, such as the plate 10002 shown in Figure 35, while paragraph 0147 describes Figure 35 of Savage. In paragraph 0147, Savage discloses a fuel cell that includes an interconnect plate 10400 surrounding fluid conduits 19992, 29992, 39992, 49992. The interconnect plate 10400 includes passages 66662 and channels 60602.

However, the passages 66662 and channels 60602 in the plate disclosed by Savage do not begin at a first surface of the plate and terminate at a plurality of blowout ports formed within a second surface of the plate that opposite to the first surface, as recited in claim 1. Thus, Savage does not remedy the deficiencies of Hara.

For at least the reasons discussed above, the combination of Hara and Savage does not render claims 1-7, 11-13, 18, and 19 to be unpatentable because this combination does not disclose or suggest all of the features of claim 1.

#### Claim 18

Claim 18 depends from claim 1 and is allowable over the combination of Hara and Savage for at least the reasons discussed above. Claim 18 further recites wherein the plurality of gas exhaust flow channels divide the second surface of the associated one first current collector layer into a plurality of sub-areas comprising of a first group of sub-areas disposed on the outskirts of the associated one first current collector layer and opening at the periphery of the associated one first current collector layer and a second group of sub-areas distant from the periphery of the associated one first current collector layer, and wherein the gas exhaust flow channels surround and define the sub-areas of the second group, respectively, and wherein the plurality of blowout ports are disposed within the plurality of sub-areas, respectively.

Hara and Savage are silent in regard to the features of claim 18. Thus, the combination of Hara and Savage also does not disclose or suggest all of the features of claim 18.

For at least the reasons discussed above, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 8-10

Claims 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hara and Savage, and further in view of U.S. Patent No. 6,649,296 to Minh (hereafter “Minh”). This rejection is respectfully traversed. Applicant respectfully submits that Minh fails to remedy the deficiencies of Hara and Savage discussed above in regard to independent claim 1, from which claims 8-10 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 14

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hara and Savage, and further in view of U.S. Patent No. 5,856,035 to Khandkar *et al.* (hereafter “Khandkar”). This rejection is respectfully traversed. Applicant respectfully submits that Khandkar fails to remedy the deficiencies of Hara and Savage discussed above in regard to independent claim 1, from which claim 14 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 15

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hara, Savage, and Minh, and further in view of Khandkar. This rejection is respectfully traversed. Applicant respectfully submits that Minh and Khandkar fail to remedy the deficiencies of Hara and Savage discussed above in regard to independent claim 1, from which claim 15 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

**Claim 16**

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hara and Savage, and further in view of U.S. Patent No. 5,770,327 to Barnett *et al.* (hereafter “Barnett”). This rejection is respectfully traversed. Applicant respectfully submits that Barnett fails to remedy the deficiencies of Hara and Savage discussed above in regard to independent claim 1, from which claim 16 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

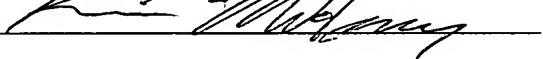
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

MAR 23 2009

Date \_\_\_\_\_

By  \_\_\_\_\_

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 295-4011  
Facsimile: (202) 672-5399

Glenn Law  
Attorney for Applicant  
Registration No. 34,371

Kevin McHenry  
Attorney for Applicant  
Registration No. 62,582